

JS 44C/SDNY
REV.

10/01/2020

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Lisa Vasquez, on behalf of herself and on behalf of her infant daughter J.V.

DEFENDANTS

New York City Department of Education

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)Gulkowitz Berger LLP, 544 Oak Drive, Far Rockaway, New York 11691,
212-208-0006 (Tel), Attn: Shaya M. Berger**ATTORNEYS (IF KNOWN)****CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

42 U.S.C. Sec. 1983 - deprivation of rights under the color of law (2 counts); 29 USC Sec. 794 - discrimination based on a disability

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?**No** **Yes**

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881	[] 422 APPEAL 28 USC 158	[] 375 FALSE CLAIMS	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER	[] 423 WITHDRAWAL 28 USC 157	[] 376 QUI TAM	
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY			[] 400 STATE REAPPORTIONMENT	
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY				[] 410 ANTITRUST	
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE				[] 430 BANKS & BANKING	
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY				[] 450 COMMERCE	
[] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 820 COPYRIGHTS [] 880 DEFEND TRADE SECRETS ACT		[] 460 DEPORTATION	
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 830 PATENT		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] 480 CONSUMER CREDIT	
[] 190 OTHER CONTRACT	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 840 TRADEMARK		[] 485 TELEPHONE CONSUMER PROTECTION ACT	
[] 195 CONTRACT PRODUCT LIABILITY						
[] 196 FRANCHISE		PRISONER PETITIONS	LABOR	SOCIAL SECURITY		
		[] 463 ALIEN DETAINEE	[] 710 FAIR LABOR STANDARDS ACT	[] 861 HIA (1395ff)		
		[] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[] 720 LABOR/MGMT RELATIONS	[] 862 BLACK LUNG (923)		
			[] 740 RAILWAY LABOR ACT	[] 863 DIWC/DIWV (405(g))	[] 490 CABLE/SATELLITE TV	
			[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 864 SSID TITLE XVI	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
				[] 865 RSI (405(g))	[] 890 OTHER STATUTORY ACTIONS	
		ACTIONS UNDER STATUTES		FEDERAL TAX SUITS		
		CIVIL RIGHTS	[] 530 HABEAS CORPUS	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 891 AGRICULTURAL ACTS	
			[] 535 DEATH PENALTY	[] 871 IRS-THIRD PARTY	[] 893 ENVIRONMENTAL MATTERS	
			[] 540 MANDAMUS & OTHER	26 USC 7609	[] 895 FREEDOM OF INFORMATION ACT	
		[x] 440 OTHER CIVIL RIGHTS (Non-Prisoner)				
					[] 896 ARBITRATION	
					[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
					[] 950 CONSTITUTIONALITY OF STATE STATUTES	
		REAL PROPERTY	PRISONER CIVIL RIGHTS	IMMIGRATION		
[] 210 LAND CONDEMNATION	[] 441 VOTING					
[] 220 FORECLOSURE	[] 442 EMPLOYMENT					
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS					
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION APPLICATION			
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS			
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT				

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:DEMAND \$ TBD OTHER JUDGE DOCKET NUMBER

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input type="checkbox"/> a. all parties represented | | | | | | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) |
| <input type="checkbox"/> b. At least one party is pro se. | | | | | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

BASIS OF JURISDICTION**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 5	DEF <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input type="checkbox"/> 2		INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 3 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4		FOREIGN NATION	<input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 6	

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Lisa Vasquez, on behalf of herself and on behalf of her infant daughter, J.V.
126 Kramer Street
Staten Island, New York 10305 - Richmond County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

New York City Department of Education
c/o New York City Law Department
100 Church Street
New York, New York 10007 - New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 04/25/2022 /s/ Shaya M. Berger *Shaya M. Berger*
SIGNATURE OF ATTORNEY OF RECORD
RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[X] YES (DATE ADMITTED Mo. Sept. Yr. 2003)
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Clear Form**Save****Print**